

12/05/01

3585 U.S. PTO

10001784-120501

Approved for use through 10/31/2002. OMB 0651-0032

PTO/SB/05 (03-01)

PTO

10/001784

12/05/01

UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))		Attorney Docket No. 740270-2681	
		First Inventor John T. Carroll, III et al.	
Title		Outwardly opening, Seat-Sealed, Force Balanced, Hydraulic Valve And Actuator Assembly	
Express Mail Label No.			
APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.		ADDRESS TO: Commissioner for Patents Box Patent Application Washington, DC 20231	
<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)</p> <p>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages 26] (preferred arrangement set forth below)</p> <ul style="list-style-type: none">- Descriptive title of the invention- Cross Reference to Related Applications (if applicable)- Statement Regarding Fed sponsored R & D (if applicable)- Reference to sequence listing, a table, or a computer program listing appendix (if applicable)- Background of the Invention- Brief Summary of the Invention- Brief Description of the Drawings (if filed)- Detailed Description- Claim(s)- Abstract of the Disclosure <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 07]</p> <p>5. Oath or Declaration [Total Pages 01]</p> <p>a. <input checked="" type="checkbox"/> Newly executed (original or copy)</p> <p>b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed)</p> <p>i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)</p> <p>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p>		<p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)</p> <p>a. <input type="checkbox"/> Computer Readable Form (CRF)</p> <p>b. Specification Sequence Listing on:</p> <p>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies; or</p> <p>ii. <input type="checkbox"/> paper</p> <p>c. <input type="checkbox"/> Statements verifying identity of above copies</p>	
ACCOMPANYING APPLICATION PARTS			
<p>9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))</p> <p>10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney (when there is an assignee)</p> <p>11. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations</p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)</p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)</p> <p>16. <input type="checkbox"/> Nonpublication request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.</p> <p>17. <input checked="" type="checkbox"/> Other: <u>Notice of Inventor Duty of Disclosure And Inventorship</u></p>			
<p>18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:</p> <p><input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No.: _____ / _____</p> <p>Prior application information: _____ Examiner: _____ Group / Art Unit: _____</p> <p>For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.</p>			
19. CORRESPONDENCE ADDRESS			
<input type="checkbox"/> Customer Number or Bar Code Label		or <input checked="" type="checkbox"/> Correspondence address below	
Name		James E. Howard	
Address		NIXON PEABODY LLP	
City		8180 Greensboro Drive, Suite 800	
Country		State	Zip Code
USA	Telephone	Virginia	22102
		703-790-9110	Fax 703-883-0370
Name (Print/Type)		Registration No. (Attorney/Agent)	
James E. Howard		39,715	
Signature		Date	December 5, 2001

FEE TRANSMITTAL FOR FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT **\$924.00**

Complete if Known

Application Number	New Application
Filing Date	December 5, 2001
First Named Inventor	John T. Carroll, III et al.
Examiner Name	Not yet assigned
Group Art Unit	Not yet assigned
Attorney Docket No.	740270-2681

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **19-2380**

Deposit Account Name **Nixon Peabody LLP**

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) **\$740.00**

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
28	-20** = 8	18.00	144.00
Independent Claims	3	-3** =	
Multiple Dependent			

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) **\$144.00**

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English transaction	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	200	200	Extension for reply within second month	
117	920	460	460	Extension for reply within third month	
118	1,440	720	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40.00
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.29(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

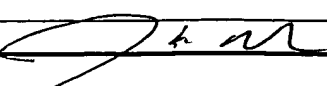
* Reduced by Basic Filing Fee Paid SUBTOTAL (3) **\$40.00**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, DC 20231, on _____

Name: _____

SUBMITTED BY

Name (Print/Type)	James E. Howard	Registration No. (Attorney/Agent)	39,715	Telephone	703-790-9110
Signature				Date	December 5, 2001

Complete (if applicable)

NOTICE TO INVENTOR
DUTY OF DISCLOSURE AND INVENTORSHIP



TO: John T. Carroll, III and Donald J. Benson
FROM: James E. Howard
DATE: November 16, 2001
SUBJECT: OUTWARDLY OPENING, SEAT-SEALED, FORCE BALANCED,
HYDRAULIC VALVE AND ACTUATOR ASSEMBLY

Enclosed please find the draft of your patent application.

Before executing the application, you should know that the U.S. Patent and Trademark Office (Patent Office) imposes a duty of good faith and candor on inventors. Included is the duty to disclose all information you know of that is material to the patent application.

“Information” is considered material by the Patent Office if it, taken by itself or in combination with other information, could show unpatentability when the claims are given their broadest reasonable interpretation or could be considered inconsistent with a position taken by the applicant(s) to show patentability. “Information” must be forwarded to the Patent Office despite the fact that other information could establish patentability, such as commercial success data or comparative test results. Some examples of such “information” are:

- prior published patents, articles, product announcements, technical reports, or lectures;
- evidence that the claimed invention was in public use, demonstrated publicly, or on sale more than one year before the filing date of the U.S. application;
- information that the claimed invention was made in the U.S. by someone other than the inventor named in the application; and
- related pending patent applications known to you.

Materiality of information of the type exemplified by, but not limited to that listed above, is measured by the scope of the claims in an application, particularly the broadest claims. Therefore, your attention is particularly directed to claims 1, 11 and 20, which you should carefully read and fully understand.

To comply fully with the duty of disclosure imposed by the Patent Office, you should notify us of any further material information pertinent to the claimed invention which would add to the prior art discussed in the Background Art section of your application.

If you first have any questions regarding your application, the scope of the claims therein, or your obligations as an inventor, call me as soon as possible. Additionally, the correct inventors must be named in a patent application.

An inventor is defined as one who conceives of the solution to a problem; the solution is the invention. The invention is legally defined in the claims of the patent application which are located at the end of the application. Please make sure you understand the claims and contact us if you have any questions. As further guidance regarding inventorship, an inventor must make some contribution to the inventive thought and final result, although conception of the entire solution is not required. Merely suggesting a desired result without suggesting means for attaining the result, or merely following the instructions or directions of others is insufficient. Joint inventors need not work physically together with each other although some form of collaboration between joint inventors during development of the invention is required. Joint inventors need not make identical contributions nor contribute to the subject matter of every claim, but an inventor must contribute to the subject matter of at least one claim. If you are still unclear as to who is an inventor, please contact us.

ACKNOWLEDGMENT

I am aware that the Patent and Trademark Office has imposed on inventors a duty of good faith and candor, including a duty to disclose any material information relating to my application. I am also aware that only the correct inventors may be named as such. I hereby acknowledge that, to the best of my knowledge and belief, I have disclosed to James E. Howard, all such material information.

✓ 26-NOV-2001

Date

✓ John T. Carroll, III
John T. Carroll, III

✓ 26-NOV-2001

Date

✓ Donald J. Benson
Donald J. Benson

Please return this acknowledgment, along with the executed patent application, promptly. If you first have any questions regarding your application, the scope of the claims therein, or your obligations as an inventor, call me as soon as possible.